IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| RHONDA TRACY, |) | |
|--|--------|---------------|
| Plaintiff. |) | |
| v. | ,) | No. 99-C-2736 |
| JEWEL FOOD STORES, INC., AMERICAN STORES COMPANY WAL MART STORES, INC., DOMINICK'S FINER FOODS, INC., DRYPERS CORPORATION, KIMBERLY-CLARK CORPORATION, and TYCO INTERNATIONAL LTD. |) | Judge Kocoras |
| Defendants. |)) | |

AFFIDAVIT OF MIGUEL ALEMANY

Miguel Alemany, being first duly sworn, deposes and states as follows:

- I am employed by The Procter & Gamble Company ("P&G") at a facility in Cincinnati, Ohio. I have worked at P&G for the past 21 years. In 1986, I held the position of Luvs Department Section Head at P&G. My duties in that position involved diaper research and development. During 1986, I worked at P&G's Winton Hill Technical Center facility. I have personal knowledge of the matters set forth herein.
- 2. P&G is a leading seller of disposable diapers. In the United States, P&G sells PAMPERS® and LUVS®diapers, and has done so for many years.
- 3. I have inspected the diaper marked as Defendants' Exhibit 8. I can personally attest to the fact that Defendant's Exhibit 8 is a LUVS® diaper made by P&G. I note that Defendant's Exhibit 8 has been torn in the waist area. Diapers identical to Defendants'

KC 000486

Exhibit 8 (other than the tearing in the waist area) were first sold by P&G in the United States prior to September, 1986.

MIGUEL ALEMANY

Subscribed to and Sworn Before Me in the City of Aday of June, 2000

Notary Public

My commission expires ____

ELEANOR B. HUSBON Notary Public, State of My Commission Expense ELEANOR S. HUSTON Notary Public, State of Ohic My Commission Expires 6-19-02